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Attorneys for Plaintiff,  
WESCO INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

WESCO INSURANCE COMPANY,  
a New York Corporation,

Plaintiff,

v.

IRONSHORE SPECIALTY  
INSURANCE COMPANY, an  
Arizona Corporation; and DOES 1  
through 10, inclusive,

Defendant(s).

CASE NO. 2:20-cv-00429-TLN-JDP

JOINT MEDIATION REPORT; JOINT  
STIPULATION TO MODIFY PRETRIAL  
SCHEDULING ORDER; ORDER

Complaint Filed: February 25, 2020

Trial Date: TBD

Plaintiff Wesco Insurance Company (“Wesco” or “Plaintiff”) and Defendant Ironshore Specialty Insurance Company (“Ironshore” or “Defendant”) (collectively, the “Parties”), by and through their respective counsel of record, hereby respectfully submit this initial mediation status report and stipulation to modify and revise the dates set in this Court’s Order Modifying the Pretrial Scheduling Order (ECF No.13).

WHEREAS, Plaintiff filed its Complaint in the above-entitled Court on

JOINT MEDIATION REPORT; JOINT STIPULATION TO MODIFY PRETRIAL SCHEDULING  
ORDER; ORDER

1 February 25, 2020.

2 WHEREAS, Defendant filed and served an Answer to Plaintiff's Complaint  
3 on April 10, 2020.

4 WHEREAS, on February 25, 2020, this Court issued an Initial Pretrial  
5 Scheduling Order ("Pretrial Scheduling Order") (ECF No. 3), which set, *inter alia*,  
6 the following dates:

- 7 a. Completion of discovery by December 4, 2020 (240 days from the  
8 date upon which the last answer may be filed; Ironshore's answer  
9 deadline was extended to April 9, 2020 via stipulation (Dkt. 7));
- 10 b. Initial designation and service of expert witness reports by February 2,  
11 2021 (60 days after close of discovery);
- 12 c. Designation of supplemental and service of rebuttal expert witness  
13 reports by March 4, 2021 (30 days after initial designation of  
14 experts);
- 15 d. Last day to file dispositive motions by June 2, 2021 (180 days after  
16 close of discovery); and
- 17 e. Last day to file joint notice of trial readiness, if no party has filed a  
18 dispositive motion, by April 2, 2021 (120 days after close of  
19 discovery).

20 WHEREAS, the Parties filed a Joint Discovery Plan on May 18, 2020 (ECF  
21 No. 10) indicating their willingness to participate in the Voluntary Dispute  
22 Resolution Program ("VDRP") pursuant to L.R. 271.

23 WHEREAS, on May 18, 2020, this Court issued a Minute Order (ECF No.  
24 11) referring the Parties to the VDRP.

25 WHEREAS, in order to allow the Parties sufficient time to participate in the  
26 VDRP, on June 9, 2020, the Parties filed a Joint Stipulation to Modify Initial  
27 Pretrial Scheduling Order (ECF No. 12) which sought to extend the certain  
28 discovery deadlines.

1 WHEREAS, on June 10, 2020, this Court issued an Order Modifying the  
2 Pretrial Scheduling Order (“Revised Scheduling Order”) (ECF No. 13), which  
3 continued each of the above-referenced dates by approximately 42-days, thereby  
4 setting the following dates:

- 5 a. Completion of discovery by January 15, 2021 (281 days from the date  
6 upon which the last answer may be filed);
- 7 b. Initial designation and service of expert witness reports by March 16,  
8 2021 (60 days after close of discovery);
- 9 c. Designation of supplemental and service of rebuttal expert witness  
10 reports by April 15, 2021 (30 days after initial designation of  
11 experts);
- 12 d. Last day to file dispositive motions by July 14, 2021 (180 days after  
13 close of discovery);
- 14 e. Last day to file joint notice of trial readiness, if no party has filed a  
15 dispositive motion by May 14, 2021 (120 days after close of  
16 discovery);

17 WHEREAS, following the selection and subsequent withdrawal of multiple  
18 potential VDRP neutrals, the Parties mutually agreed to participate in private  
19 mediation with mediator Rachel Ehrlich, Esq., and this Court thereafter issued a  
20 Notice of Removal from VDRP in light of such agreement. (ECF No. 18.)

21 WHEREAS, the private mediation was originally scheduled to occur on  
22 November 10, 2020, but was later rescheduled for December 14, 2020.

23 WHEREAS, on December 14, 2020, counsel for the Parties along with a  
24 representative for both Wesco and Ironshore participated in a full-day private  
25 mediation with mediator Rachel Ehrlich, Esq.

26 WHEREAS, the Parties were unable to resolve their dispute during  
27 mediation; however, the Parties engaged in a substantive dialogue concerning  
28 settlement and have agreed that this matter is reasonably likely to settle in its

JOINT MEDIATION REPORT; JOINT STIPULATION TO MODIFY PRETRIAL SCHEDULING  
ORDER; ORDER

1 entirety following further informal settlement discussions between the Parties,  
2 which the Parties have tentatively agreed will take place the first half of January  
3 2021 in order to accommodate pandemic- and holiday-related scheduling  
4 challenges for necessary decision-makers.

5 WHEREAS, in light of the recent mediation and the Parties' belief that this  
6 matter is reasonably likely to settle in its entirety following further informal  
7 settlement discussions between them, which the Parties anticipate will take place in  
8 or about early January 2021, in addition to the ongoing health crisis regarding  
9 COVID-19 and the relative burden of same on the Parties and the California court  
10 system, the Parties now seek to modify the deadlines identified herein in order to  
11 allow additional time to pursue informal resolution and explore the possibility of  
12 otherwise resolving anticipated issues relative to the claims at issue in this matter.

13 WHEREAS, the Parties have been granted only one prior modification to the Pretrial  
14 Scheduling Order; and any successful efforts to resolve the case will result in  
15 freeing up the Court's calendar.

16 NOW, THEREFORE, the Parties, by and through their respective counsel of  
17 record, AGREE AND HEREBY STIPULATE that good cause exists to modify the  
18 Revised Scheduling Order (ECF No. 13) as follows:

- 19 a. Completion of discovery by February 28, 2021 (325 days from the  
20 date upon which the last answer may be filed);
- 21 b. Initial designation and service of expert witness reports by April 29,  
22 2021 (60 days after close of discovery);
- 23 c. Designation of supplemental and service of rebuttal expert witness  
24 reports by May 28, 2021 (29 days after initial designation of  
25 experts);
- 26 d. Last day to file dispositive motions by August 27, 2021 (180 days after  
27 close of discovery);

1 e. Last day to file joint notice of trial readiness, if no party has filed a  
2 dispositive motion by June 28, 2021 (120 days after close of  
3 discovery).  
4

5 IT IS SO STIPULATED.  
6

7 DATED: December 18, 2020

HIRSCH CLOSSON, APLC

9 By /s/ Christopher T. Hicks

Robert V. Closson, Esq.

Christopher T. Hicks, Esq.

Attorneys for Plaintiff,

WESCO INSURANCE COMPANY  
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14 DATED: December 18, 2020

WILSON ELSER MOSKOWITZ EDELMAN  
AND DICKER, LLP  
15  
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17 By /s/ Dawn Silberstein (as authorized on  
18 December 18, 2020)

John Podesta, Esq.

Dawn Silberstein, Esq.

Attorneys for Defendant,

IRONSHORE SPECIALTY INSURANCE  
COMPANY  
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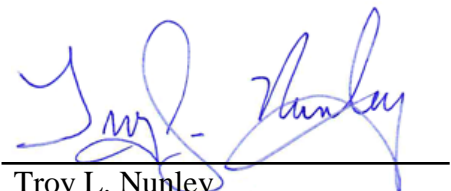
**ORDER**

GOOD CAUSE APPEARING THEREFORE, IT IS HEREBY ORDERED that the Revised Scheduling Order (ECF No. 13) be modified as follows:

- a. Completion of discovery by February 28, 2021 (325 days from the date upon which the last answer may be filed);
- b. Initial designation and service of expert witness reports by April 29, 2021 (60 days after close of discovery);
- c. Designation of supplemental and service of rebuttal expert witness reports by May 28, 2021 (29 days after initial designation of experts);
- d. Last day to file dispositive motions by August 27, 2021 (180 days after close of discovery);
- e. Last day to file joint notice of trial readiness, if no party has filed a dispositive motion by June 28, 2021 (120 days after close of discovery).

**IT IS SO ORDERED.**

Dated: December 21, 2020

  
Troy L. Nunley  
United States District Judge